

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JEFFREY D. HILL,

Plaintiff,

v.

LYCOMING COUNTY
GOVERNMENT,

Defendant.

No. 4:20-CV-02397

(Judge Brann)

(Magistrate Judge Arbuckle)

ORDER

JANUARY 13, 2021

Plaintiff filed the instant action on December 21, 2020, and it was jointly assigned to the undersigned and to a magistrate judge. Upon designation, a magistrate judge may “conduct hearings, including evidentiary hearings, and . . . submit to a judge of the court proposed findings of fact and recommendations.”¹ Once filed, this report and recommendation is disseminated to the parties in the case who then have the opportunity to file written objections.²

On December 23, 2020, Magistrate Judge William I. Arbuckle, to whom this matter is jointly assigned, issued a thorough report and recommendation recommending that, *inter alia*, Plaintiff’s complaint be dismissed and leave to amend be denied.

¹ 28 U.S.C. 636(b)(1)(B).

² 28 U.S.C. 636(b)(1).

No objections to the report and recommendation have been filed. For portions of the report and recommendation to which no objection is made, the Court should, as a matter of good practice, “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”³ Regardless of whether timely objections are made by a party, the District Court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.⁴

Because I write solely for the parties, I will not restate the facts, but will instead adopt the recitation of facts as set forth by the magistrate judge. I have conducted a de novo review here and found no error. I only note, to buttress Magistrate Judge Arbuckle’s detailed report and recommendation, that Plaintiff’s claim under 18 U.S.C. § 242 does not provide a private right of action and also fails for that reason.⁵

AND NOW, IT IS HEREBY ORDERED that:

1. Magistrate Judge Arbuckle’s December 23, 2020 Report and Recommendation (Doc. 6) is **ADOPTED** in full.

³ Fed.R.Civ.P. 72(b), advisory committee notes; *see also Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F.Supp.2d 465, 469 (M.D.Pa.2010) (citing *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir.1987) (explaining that judges should give some review to every report and recommendation)).

⁴ 28 U.S.C. § 636(b)(1); Local Rule 72.31.

⁵ *See, e.g., Smalls v. Riviera Towers Corporation*, 782 Fed.Appx. 201, 206 (3d Cir. 2019); *Jones v. Sussex Correctional Institute*, 725 Fed.Appx. 157, 159 n.3 (3d Cir. 2017).

- a. Plaintiff's motion to proceed *in forma pauperis* (Doc. 2) is **GRANTED**.
 - b. Plaintiff's complaint (Doc. 1) is **DISMISSED** for failure to state a claim.
 - c. Leave to amend the complaint is **DENIED**.
 - d. Plaintiff's motion for injunctive relief (Doc. 3) is **DENIED AS MOOT**.
2. The case is remanded to Magistrate Judge Arbuckle for further proceedings on an appropriate sanction.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann
United States District Judge